



Pillsbury
Winthrop
Shaw
Pittman L.L.P.

EX PARTE OR LATE FILED

2300 N Street NW
Washington, DC 20037-1128

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

ORIGINAL

DOCKET FILE COPY ORIGINAL

October 12, 2005

Tony Lin
202.663.8000
tony.lin@pillsburylaw.com

RECEIVED

Via Hand Delivery

OCT 12 2005

Federal Communications Commission
Office of Secretary

Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: EX PARTE SUBMISSION
WT Docket 03-66; Amendment of Parts 1, 21, 73, 74, and 101 of the
Commission's Rules to Facilitate the Provision of Fixed and Mobile
Broadband Access, Educational and Other Advanced Services in the 2150-
2162 and 2500-2690 GHz Bands

Dear Ms. Dortch:

On October 11, 2005, Bradley Holmes, Chief Operating Officer of NY3G Partnership ("NY3G"), and Bruce Jacobs and Tony Lin, counsel for NY3G, met with John Giusti, legal advisor to Commissioner Copps, regarding the above-referenced proceeding.

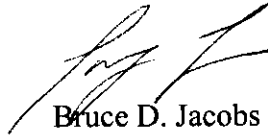
The parties discussed the recent press release issued by NY3G and ADAPTIX regarding the trial deployment of fixed and mobile broadband services in New York City. NY3G reiterated its position on the record that a "split-the-football" approach would not provide a viable solution in New York City because of the creation of an "exclusion zone" on both sides of the boundary between co-channel F group licensees, effectively denying service on those channels to over seven million people and hundreds of thousands of businesses located throughout Manhattan and in large portions of Brooklyn and Queens. The parties discussed the alternative solution of assigning the low-power channels to the MMDS licensee and the high-power channel to the grandfathered ITFS licensee.

No. of Copies rec'd 0 + 2
List A B C D E

Marlene H. Dortch
October 12, 2005
Page 2

Attached is the handout distributed at the meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce D. Jacobs', written over the printed name.

Bruce D. Jacobs

Tony Lin

Counsel for NY3G Partnership

Attachment

cc: John Giusti

§27.1206 Geographic Service Area.

(a) The Geographic Service Area (GSA) is either:

(1) The area for incumbent site-based licensees that is bounded by a circle having a 35 mile radius and centered at the station's reference coordinates, which was the previous PSA entitled to incumbent licensees prior to January 10, 2005, and is bounded by the chord(s) drawn between intersection points of the licensee's previous 35 mile PSA and those of respective adjacent market, co-channel licensees, except if the overlap of the PSAs of incumbent site-based co-channel BRS and grandfathered EBS licensees operating on the E or F group channels would result in an exclusion zone containing [3] million or more people and more than [33]% of the total population of the combined GSAs of the co-channel licensees. (An exclusion zone is the area within 7.8 kilometers of the chord(s) drawn as described above in connection with any two co-channel licensees and within the PSAs of those two co-channel licensees.) In that case, any one of the two affected co-channel licensees may elect during the transition process (see §27.1232 (b),(c)) to divide the channel assignments so that the grandfathered EBS licensee is assigned the one high-powered channel and the BRS licensee is assigned the three low-powered channels. If such an election is made, the GSA for the affected licensees' assigned channel(s) will be the area bounded by that licensee's previous 35 mile PSA centered at the station's reference coordinates and by the chord(s) drawn between intersection points of the licensee's previous 35 mile PSA and those of any other adjacent market co-channel licensees that are operating on the same channels; or:

(2) The BTA that is licensed to the respective BRS BTA authorization holder subject to the exclusion of overlapping, co-channel incumbent GSAs as described in paragraph (a)(1) of this section.

(b) If the license for an incumbent BRS station cancels or is forfeited, the GSA area of the incumbent station shall dissolve and the right to operate in that area automatically reverts to the GSA licensee that held the corresponding BTA.